THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 16717 OF 2005

Date:21.09.2005

Between:

Sura Ramaswamy & 7 others

… Petitioners

AND

The Singareni Collieries Co., Lted.,

Bhupalpally, Warangal District

… Respondent

ORDER:

The petitioners are the employees of Singareni Collieries. All of them occupied the residential quarters constructed by the company without there being any order of formal allotment. Not only proceedings were initiated for eviction of them and other unauthorized occupants, but also the issue became so volatile that a settlement in terms of Section 10(3) of the Industrial Disputes Act between the recognized Trade Unions and the Management had to take place to deal with the situation. Ultimately, in terms of the settlement, the petitioners were allotted quarters and steps were taken to effect recovery of the penal rent for the period of unauthorized occupation. The petitioners challenge the action of the respondent in deducting a sum of Rs.1,500/- or Rs.2,100/-, as the case may be, from their salaries. The petitioners contend that the action of the respondent is contrary to the various orders passed by this Court as well as the Circulars issued by the Company.

On behalf of the respondent, a counter-affidavit is filed narrating the facts that led to making recoveries of the penal rents. Reference is made to several writ petitions to which the petitioners themselves are parties. Pursuant to the interim direction issued by this Court, the respondent has also served upon the petitioners, the particulars of recoveries being effected against them.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondent.

Almost three or four writ petitions were filed by the petitioners for the same relief. The petitioners challenged the action of the respondent effecting the recoveries for the period during which they have unauthorisedly occupied the quarters. One such writ petition was WP.No.15406 of 2001. It was disposed of on 19.2.2002 following the judgment in WP.No.19332 of 2001, dated 28.12.2001. Thereafter, the petitioners filed WP.No.12531 of 2002. This writ petition was dismissed on 31.10.2003. It is relevant to extract the findings recorded by this Court in that Writ Petition.

> "The allotment of quarters to the petitioners herein by independent orders in the year 2002, is not a factor which is the result of the settlement under Section 12(3) of the Industrial Disputes Act, 1947. The petitioners became eligible for allotment of quarters on the basis of their over all seniority now and thus they were allotted quarters. The settlement under Section 12(3) of the Act does not deal with the normal allotment of quarters. The terms of the settlement are aimed at regularization of illegal occupation of the quarters. No proceeding of the respondent company regularizing the illegal occupation by the petitioners of the quarters is pleaded, urged or demonstrated before this Court by the petitioners.
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> In these circumstances, and in the light of the terms of the settlement which are binding on the petitioners as employees of the respondent company, the petitioners are liable to pay the penal rent since they were not entitled to the benefits of the said settlement."

Petitioners filed W.A.No.1320 of 2004 against the said Judgment. The order of the learned Single Judge was confirmed in all respects. However, the respondent herein was directed to fix a reasonable amount in the matter of deduction. From the

above, it is clear that the liability of the petitioners to pay the penal rent for the period during which they were in unauthorized occupation of the quarters became final. Therefore, this Court does not find any basis to interfere at this stage. It is true that the petitioners have referred to the writ petitions filed by them in the affidavit filed in support of this writ petition, but the facts reveal that they have resorted to vexatious litigation by filing one writ after the other for the same relief and they have exposed themselves for being penalised for vexatious litigation.

Sri K. Vasudeva Reddy, learned counsel for the petitioners, submits that the salaries being paid to the petitioners are meager and deduction of such huge amount is causing hardship to them. Learned Standing Counsel for the respondent opposes any reduction of the instalments.

In view of the facts and circumstances referred to above, the writ petition is dismissed. However, it is directed that the instalments payable by the petitioners shall be fixed @ Rs.1,000/- (Rupees One thousand only), per month, with effect from October 2005. In case, deduction of the penal rent at that rate would not result in recovery of the entire amount up to the date of their retirement, it shall be open to the respondent to effect recoveries from the retirement benefits, without interest. It is, however, directed that in case the petitioners indulge in any further litigation on this aspect, the benefit of reduction of instalments shall stand withdrawn. There shall be no order as to costs.

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21.09.2005

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